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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

LaSALLE BANK NATIONAL  
ASSOCIATION,

Defendant.

2:08-CV-1448 JCM (RJJ)

**ORDER**

Presently before the court is defendant LaSalle Bank National Association's motion for reconsideration of order on its motion for summary judgment. (Doc. #197). Plaintiff Wells Fargo Bank, N.A. filed an opposition. (Doc. #199). Defendant filed a reply. (Doc. #201).

The court issued an order denying defendant's motion for summary judgment on March 3, 2011. (Doc. #169). In the instant motion, defendant moves the court to reconsider its earlier decision denying summary judgment with respect to one of plaintiff's claims. (Doc. #197). In support of its motion, defendant notes that subsequent to this court's March 3, 2011, order, a district judge in Illinois in a related suit granted summary judgment in favor of defendant on this same issue. (Doc. #197).

"Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); *see also* FED. R. CIV. P. 59(e); FED. R. CIV. P. 60(b).

1 Defendant has failed to meet its burden. Defendant has not (1) pointed to any newly  
2 discovered evidence, (2) alleged that the court committed clear error or that the initial decision was  
3 manifestly unjust, or (3) demonstrated an intervening change in controlling law. *See School Dist.*  
4 *No. 1J*, 5 F.3d at 1263. At best, defendant has pointed to persuasive authority from a district court  
5 outside of the Ninth Circuit. This falls far short of the showing required.

6 Further, at the time this court issued its order denying summary judgment, the court was  
7 aware that at least one other district court had granted summary judgment on this issue.  
8 Nevertheless, the court stated at oral argument that “there’s an ambiguity in the provision . . . it’s  
9 subject to interpretation. I think that’s a matter for trial.” (2/24/2011 Hearing Transcript). Because  
10 the court was already aware of at least one conflicting persuasive opinion, defendant’s motion to  
11 reconsider based on a subsequent out-of-circuit district court opinion is unconvincing.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant LaSalle Bank  
14 National Association’s motion for reconsideration of order on its motion for summary judgment  
15 (doc. #197) be, and the same hereby is, DENIED.

16 DATED October 17, 2011.

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19 UNITED STATES DISTRICT JUDGE